

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 9th day of June 2005, at 8:00 P.M., and there were

PRESENT: JOHN ABRAHAM, JR. MEMBER

 ANTHONY ESPOSITO, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

ABSENT: JEFFREY LEHRBACH, CHAIRMAN

 WILLIAM MARYNIEWSKI, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 LEONARD CAMPISANO, ASST. BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

In the absence of Chairman Lehrbach, a motion to appoint Mr.Quinn temporary chairman was made by Mr. Thill and seconded by Mr.Esposito.

_____The motion was duly put to a vote which resulted as follows:

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|-----------------|------------|
| MR. ABRAHAM | VOTED YES |
| MR. ESPOSITO | VOTED YES |
| MR. MARYNIEWSKI | WAS ABSENT |
| MR. QUINN | VOTED YES |
| MR. SCHWAN | VOTED YES |
| MR. THILL | VOTED YES |
| MR. LEHRBACH | WAS ABSENT |

_____Motion Carried

PETITION OF RICHARD R. BARONE, JR. & DEBORAH BARONE:

THE 1st CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Richard R. Barone, Jr. and Deborah Barone, 207 Ransom Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a single family residence on premises owned by the petitioners situated at 209 Ransom Road [immediately north of 207 Ransom Road], Lancaster, New York to wit:

- A. A variance from the requirements of Chapter 50, Zoning, Section 9C.(1) of the Code of the Town of Lancaster. The proposed building lot has an area of 29,669.5 square feet.

Chapter 50, Zoning, Section 9C.(1) of the Code of the Town of Lancaster requires a minimum lot area of one acre, namely 43,560 square feet. The petitioners, therefore, request a 13,890.5 square foot lot variance.

- B. A variance from the requirements of Chapter 50, Zoning, Section 9C.(2) of the Code of the Town of Lancaster. The proposed building lot has a frontage of ninety eight feet [98'].

Chapter 50, Zoning, Section 9C.(2) of the Code of the Town of Lancaster requires a lot frontage of one hundred feet [100']. The petitioners, therefore, request a two foot [2'] lot frontage variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

| | |
|--|-----------|
| David Blackmon, attorney representing the petitioner 33 Central Avenue Lancaster, New York 14086 | Proponent |
| Richard Barone, petitioner 207 Ransom Road Lancaster, New York 14086 | Proponent |
| Holly Place 219 Ransom Road Lancaster, New York 14086 | Opponent |
| Gary Place 219 Ransom Road Lancaster, New York 14086 | Opponent |
| Thomas Piotrowski 224 Ransom Road Lancaster, New York 14086 | Opponent |

IN THE MATTER OF THE PETITION OF RICHARD R. BARONE, JR. & DEBORAH BARONE

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. THILL
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Richard R. Barone, Jr. and Deborah Barone and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2005, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Agricultural Residential District, (AR) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Agricultural Residential District, (AR) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the Erie County Division of Planning commented on the proposed zoning action as follows:

"No recommendation; proposed action has been reviewed and determined to be of local concern."

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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|-----------------|------------|
| MR. ABRAHAM | VOTED YES |
| MR. ESPOSITO | VOTED NO |
| MR. MARYNIEWSKI | WAS ABSENT |
| MR. QUINN | VOTED YES |
| MR. SCHWAN | VOTED YES |
| MR. THILL | VOTED YES |
| MR. LEHRBACH | WAS ABSENT |

The resolution granting the variances was thereupon **ADOPTED.**

June 9, 2005

PETITION OF DONALD & CAROL JENKIN:

THE 2nd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Donald and Carol Jenkin, 628 Harris Hill Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an addition to a garage on premises owned by the petitioners at 628 Harris Hill Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster. The location of the proposed dwelling would result in a north side yard of 4.75 feet at the rear corner of the garage and 5.67 feet at the front corner of the garage

Chapter 50, Zoning, Section 10C.(3)(b)[1] of the Code of the Town of Lancaster requires a minimum side yard of 10% of the lot width, namely 8.33 feet. The petitioners, therefore, request a north side yard variance of 3.58 feet.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Donald Jenkin, petitioner
628 Harris Hill Road
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF DONALD & CAROL JENKIN

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ABRAHAM, WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWAN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Donald and Carol Jenkin and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2005, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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|-----------------|------------|
| MR. ABRAHAM | VOTED YES |
| MR. ESPOSITO | VOTED YES |
| MR. MARYNIEWSKI | WAS ABSENT |
| MR. QUINN | VOTED YES |
| MR. SCHWAN | VOTED YES |
| MR. THILL | VOTED YES |
| MR. LEHRBACH | WAS ABSENT |

The resolution granting the variance was thereupon **ADOPTED.**

June 9, 2005

PETITION OF SCOTT & KARLA PRIESTER:

THE 3rd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Scott & Karla Priester, 19 Trentwood Trail, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six [6] foot high fence in a required open space area on premises owned by the petitioners at 19 Trentwood Trail, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is an irregularly shaped lot fronting on Trentwood Trail with an exterior side yard [considered a front yard equivalent] fronting on Trentwood Trail. The petitioners propose to erect a six [6] foot high fence within the required open space area of the exterior side yard fronting on Trentwood Trail.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Scott Priester, petitioner
19 Trentwood Trail
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF SCOTT & KARLA PRIESTER

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ESPOSITO, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ABRAHAM
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Scott and Karla Priester and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 9th day of June 2005, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 2, (R2) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 2, (R2) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants, particularly privacy, cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That the fence is located at least 4' inside the property line.
- That all necessary conditions of the easements are met to the satisfaction of the Building Inspector prior to installation of the fence.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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|-----------------|------------|
| MR. ABRAHAM | VOTED YES |
| MR. ESPOSITO | VOTED YES |
| MR. MARYNIEWSKI | WAS ABSENT |
| MR. QUINN | VOTED YES |
| MR. SCHWAN | VOTED YES |
| MR. THILL | VOTED YES |
| MR. LEHRBACH | WAS ABSENT |

The resolution granting the variance was thereupon **ADOPTED**.

June 9, 2005

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:57 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: June 9, 2005

